

# **EXHIBIT “B”**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CASE NO. 4:16-cv-01924-EJD

ADAM SHAW, PETER GOLIGHTLY,  
JUSTIN TURNER, and JOSHUA  
STANSFIELD, as individuals and on  
behalf of others similarly situated  
and the general public,

Plaintiffs,

vs.

WIZARDS OF THE COAST LLC,

Defendant.

/

101 East Kennedy Boulevard  
Tampa, Florida  
9:41 a.m. to 5:27 p.m.  
April 25, 2017

VIDEOTAPED DEPOSITION OF JUSTIN TURNER

Taken on behalf of the DEFENDANT before Kim  
Auslander, RPR, CRR, Notary Public in and for the State  
of Florida at Large, pursuant to Notice of Taking  
Deposition in the above cause.

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1 APPEARANCES:

2  
3 ATTORNEYS FOR PLAINTIFF

4 DAVID BORGEN, ESQ.  
5 GOLDSTEIN, BORGEN, DARDARIAN & HO  
6 300 Lakeside Drive  
7 Oakland, California 94612

8 ATTORNEYS FOR DEFENDANT

9 KARL L. LINDEGREN, ESQ.  
10 FISHER PHILLIPS LLP  
11 2050 Main Street  
12 Irvine, California 92614

13  
14  
15 ALSO PRESENT: Rob Turner, Esq.

16 Nicholas Mitchell, Esq.  
17 Helene Bergeot  
18 Greg Scrivener, Videographer

19  
20  
21  
22  
23  
24  
25

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1 A Yes; I gave the current one to my lawyers.

2 They have at least this year's and last year's.

3 Q But you have other ones?

4 A I have the one from 2015 and I have the ones  
5 that are pursuant to working pro tours with Wizards,  
6 yes.

7 Q And did you produce any 10-99's?

8 A No.

9 Q Why not?

10 A I wasn't aware I had to produce 10-99's,  
11 again, because those would be things Wizards would have  
12 filed as well.

13 Q Did you produce any contracts with other TO's?

14 A No. I don't have any.

15 Q Have you ever received compensation from a TO?

16 A Not directly. Well, I got -- this year I did  
17 from Star City Games, I signed a contract and had an  
18 event, but it was a month ago.

19 Q Okay. Did you bring that today?

20 A No.

21 Q Where is that contract?

22 A It would be in my e-mail.

23 Q You signed a contract with Star City Games?

24 A Yes.

25 Q For which event?

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1 A For Grand Prix in Orlando.

2 Q And what was your role there?

3 A Floor judge.

4 Q Did they pay you?

5 A They did.

6 Q What did they pay you?

7 A \$750.

8 Q As an employee or an independent contractor?

9 A As an independent contractor.

10 Q What record do you have of the payment?

11 A They gave me a check. I have -- I don't think  
12 I have the stub anywhere still, but it would be in my  
13 bank records when I deposited it.

14 Q Did you bring those with you today?

15 A No.

16 Q How much time did you spend looking for  
17 documents with respect to what was requested?

18 A I would say about 15, 20 hours from finding  
19 the ways and means to even get into my e-mail and pull  
20 stuff from five, six years ago all the way through until  
21 now, to put it into a format to where I could bundle it  
22 all together and send it as one file, looking through my  
23 social media accounts, looking through Slack, having a  
24 conversation to see if we can get older history in the  
25 Slack channel, and coming up with search terms that gave

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1 the game, you can win invites to certain things in the  
2 real world, but mostly it's you just win online currency  
3 and things of that nature to continue to play online.  
4 They are all technically sanctioned. I don't actually  
5 know that answer.

6 Q You don't know whether they are or not?

7 A Online, no.

8 Q Okay. And is there a website you go to to  
9 play online?

10 A It's a program, computer program.

11 Q That you buy or --

12 A It's free, but you have to buy the cards.

13 Q And where do you get the program?

14 A From Wizards' website. It's a Wizards  
15 product. Wizards Magic online.

16 Q So you went to Wizards.com and uploaded the  
17 program?

18 A Uh-huh.

19 Q Yes?

20 A Yes.

21 Q And you play against other people online?

22 A Yes.

23 Q Okay. And when's the last time you played any  
24 live tournament?

25 A It would be probably the Shadows Over

1 Innistrad or the Eldridge Moon prerelease, so those  
2 would be summer of last year.

3 Q And where were those?

4 A Those were at a store in Palm Harbor called  
5 Short Stops Cards and Games.

6 Q Was there an entry fee?

7 A Yes.

8 Q How much was it for the Shadows?

9 A \$25.

10 Q And who did you pay that to?

11 A To the store owner.

12 Q Who's that?

13 A Justin Vickers.

14 Q Is he a friend of yours?

15 A Yeah.

16 Q How do you spell Vickers?

17 A V-I-C-K-E-R-S.

18 Q On the second one, the Eldridge Moon, what was  
19 the entry fee?

20 A Same.

21 Q 25 bucks?

22 A Yup.

23 Q Same guy?

24 A Yup. Him or his brother. His brother's name  
25 is Travis.

1 Q And they own the store?  
2 A Yes.  
3 Q And do they put on Friday Night Magic too?  
4 A They do.  
5 Q Do you judge for them?  
6 A I do not.  
7 Q Do they judge their own Friday Night Magic?  
8 A They have other people that do it.  
9 Q Who?  
10 A Ben McDole and a guy named Billy -- Greek --  
11 Vasilakis.  
12 Q Are they employees of the store?  
13 A They are not.  
14 Q And do Steve or -- does Justin Vickers pay  
15 him?  
16 A I'm unaware of their arrangement.  
17 Q You don't know?  
18 A Yeah.  
19 Q Were there judges at the two events that you  
20 played?  
21 A There were.  
22 Q And do you know who paid them, if anyone?  
23 A I am unaware.  
24 Q And who organized those tournaments?  
25 A That would be either the store -- it would be

1 the store.

2 Q The Vickers brothers?

3 A Yeah.

4 Q And what do they do with the entry fee, if you  
5 know?

6 A I have no idea. Put it in the cash register.

7 Q That's a good place for it.

8 A Yeah.

9 Q Either that or go buy some beer.

10 A Whatever they do with it is their business.

11 Q How many people were in the first one, the  
12 Shadows?

13 A It would be 60 or so for both. They were  
14 midnight events.

15 Q Meaning they started at midnight?

16 A Yeah.

17 Q How late do those go?

18 A Until about 4, 5 in the morning.

19 Q Okay. So four, five hours?

20 A Yeah.

21 Q And that's at the store?

22 A Yes.

23 Q When did you decide that you wanted to be a  
24 class rep for a wage hour lawsuit?

25 A It would be about March or April of last year.

1 Q So March, April 2016?

2 A Yup.

3 Q And why did you decide to do that?

4 A There was a couple reasons. First was I was  
5 unfairly suspended along with all of my region by people  
6 at Wizards of the Coast on the week of Christmas in  
7 2015, and it was an atrocious couple weeks trying to get  
8 that work through their various channels.

9 It was completely done wrong. I was lied to  
10 by them over the phone, then I was suspended with no  
11 avenue of recourse. I wasn't allowed to participate in  
12 tournaments. It cost the judges in my region tens of  
13 thousands of dollars in lost opportunity wages for the  
14 suspension that they didn't even see coming. That had  
15 me pretty perturbed by January of 2016, when I finally  
16 got the suspension revoked towards the end of the month.

17 Then after that I was reinstated as a regional  
18 coordinator, and we were talking about the contractual  
19 issues. I actually had a conversation with Mr. Mitchell  
20 about the issues that I had with the contract because  
21 they had violated some of the clauses on that contract  
22 when they suspended me at the tail end of 2015.

23 After a brief conversation with Mr. Mitchell,  
24 I heard from the judge manager at the time, Sarah Smith,  
25 that they were not interested in making any alterations

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1           The WPN is the Wizards Play Network; it is  
2 their organization of stores.

3           Q     Did you produce the articles?

4           A     No; again, because those are Wizards  
5 documents. I didn't think I would -- those are things  
6 they have.

7           Q     Okay. Anything else where you think someone  
8 said that judges are volunteers?

9           A     No.

10          Q     Now, you've been an independent contractor as  
11 a judge, right?

12          A     I have been termed as one, yes.

13          Q     You have been paid as one?

14          A     Yes.

15          Q     So you weren't a volunteer when you were  
16 working as an independent contractor, were you?

17          A     No.

18          Q     You said that the judges in your region,  
19 because of the suspension related to the leaked card,  
20 had tens of thousands of dollars in potential losses; is  
21 that right?

22          A     That is correct.

23          Q     Okay. Which judges were suspended in your  
24 region?

25          A     There was 13 of them, so I won't remember them

1           A     He called me and told me about it. I  
2 confirmed it with Wizards.

3           Q     Who did you confirm it with?

4           A     Aaron Hamer.

5           Q     Verbally or in writing?

6           A     Verbally, then I checked the DCI suspended  
7 players, and he was on there.

8           Q     For two years?

9           A     Yes.

10          Q     Has he been reinstated?

11          A     He got it reduced to a year upon appeal, so  
12 he's been reinstated as of now. I believe his  
13 suspension expired December of 2016.

14          Q     Okay. And prior to that do you know how many  
15 events he judged?

16          A     Adam?

17          Q     Yes.

18          A     No.

19          Q     Do you know how much money he made judging?

20          A     No.

21          Q     Do you know if he made any?

22          A     I have no idea.

23          Q     Do you know if he ever had a contract?

24          A     I do not believe he did.

25          Q     Do you know one way or the other?

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1 A I do not know for sure.  
2 Q Do you know which TO's he worked for?  
3 A No.  
4 Q Do you know what events he judged?  
5 A I mean, I could look it up. I don't know --  
6 Q Where would you look it up?  
7 A How?  
8 Q Where would you look it up?  
9 A Oh, on his judge membership page.  
10 Q Judge Apps?  
11 A Judge Apps now, because Judge Center would  
12 have just went down. It would have been Judge Center up  
13 through two weeks ago.  
14 Q Who created Judge Apps?  
15 A Jason Lemahieu.  
16 Q Who's the administrator?  
17 A I believe him; Jason.  
18 Q Have you talked to Hubble about joining the  
19 lawsuit?  
20 A Yes.  
21 Q What did he tell you?  
22 A I believe he just signed on as a member of the  
23 class.  
24 Q What did you tell him?  
25 A I told him the basic tenace of what we were

1           A     Yeah. Matt Williams and Ben McDole, the  
2 figure -- the money figure that I came up with was from  
3 looking at the tournaments for the Level 3's, just the  
4 Level 3's, which was me, Ben, Matt Williams, Brian  
5 Prillaman, and the events that we were scheduled to go  
6 to, because we were also told we couldn't apply for  
7 tournaments while we were suspended.

8                   So we had this whole potential six-month gap,  
9 if we had served our three months and were not allowed  
10 to apply for events in those three months as well,  
11 six-month gap in events, and at that time a Level 3  
12 judge was doing fairly decently so far as the foils and  
13 whatnot and the cards we were getting paid, so there was  
14 a lot of lost opportunity wages there.

15           Q     Well, how much were you making a year as an  
16 L-3?

17           A     Last year, I probably made 10, \$12,000  
18 judging.

19           Q     Under your independent contractor agreement?

20           A     No.

21           Q     Outside of that?

22           A     Yes. The independent contractor agreement is  
23 for regional coordinator. It has nothing to do with  
24 actual judging that I made \$10,000 on.

25           Q     So you made 10 to \$12,000 judging?

1 A Yes.

2 Q Who paid you?

3 A For that 10 to 12 grand, that came from the  
4 tournament organizers.

5 Q Which ones?

6 A Star City Games, predominantly; Pastimes. I  
7 think those are the only ones I worked for for those  
8 large events.

9 Q And where are the records of those payments?

10 A It would have been checks, so probably my bank  
11 records.

12 Q Did you produce those?

13 A No.

14 Q Why not?

15 A I wasn't aware I had to produce my bank  
16 statements.

17 Q We asked you for records of payments by  
18 tournament organizers.

19 A Oh, I'm sorry; I must have missed that part.

20 Q Anyone other than Star City and Pastimes pay  
21 you in 2016?

22 A In money, no, I don't think so.

23 Q So they paid you 10 or 12 grand cash?

24 A In checks, yeah.

25 Q They also gave you swag?

1 A No. This was after those days were done.

2 Q Did you receive any other compensation in  
3 2016?

4 A From little stores and stuff, sometimes  
5 working small events, regional pro tour qualifiers, and  
6 things of that nature.

7 Q Where are your records of that?

8 A I don't have records of that. There's nothing  
9 on paper.

10 Q What stores paid you?

11 A I have to think on that for a second.

12 Q Okay.

13 A Jax Game Center paid me for an RPTQ in that  
14 year in Jacksonville, Armada Games in Tampa paid me for  
15 pre-release.

16 Q You negotiated your compensation with Armada,  
17 right?

18 A Yes.

19 Q Wasn't there an issue with a card you weren't  
20 supposed to get?

21 A Yeah. That was in 2014.

22 Q We'll go back to that then. We will go  
23 backwards.

24 A Okay.

25 Q So 2016, who else?

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1           A     Again, I was unaware you needed records of  
2     that stuff, but I can get that for you.

3           Q     And how much did Jax pay you?

4           A     They gave me some boxes that they were given  
5     from Wizards.

6           Q     How do you know who gave them the boxes?

7           A     Because they told me.

8           Q     Beyond what they told you, do you know where  
9     they got the boxes?

10          A     No.

11          Q     How many boxes did they give you?

12          A     Six.

13          Q     At 140 each?

14          A     Well, they don't actually sell for 140 each.  
15     That is the retail value. Nobody sells at retail. I  
16     could sell them for about 80.

17          Q     Okay. So \$480?

18          A     Yeah. That was for two days plus travel; I  
19     had to drive to Jacksonville, and hotel for two nights.

20          Q     Okay. Did you charge them for hotel and  
21     travel?

22          A     They booked the hotel.

23          Q     They paid for the hotel?

24          A     Yes.

25          Q     What else did they do?

1 you've judged?

2 A Hardly any. Just my event records. So I  
3 would be able to easily tell you any Grand Prixes or  
4 large events that I worked, because those would be on my  
5 event history. Other than that, I don't keep  
6 everything.

7 Q So the little ones you don't -- just would be  
8 your memory?

9 A Correct.

10 Q Do you always charge the store something?

11 A Yes.

12 Q So you never work for free?

13 A Correct.

14 Q And you negotiate that with the store?

15 A Yes.

16 Q In 2015, how much did you make judging?

17 A It would have been about the same, slightly  
18 less.

19 Q Okay.

20 A Maybe about 8,000.

21 Q And that includes the small stores?

22 A Yes.

23 Q And boxes?

24 A Yes.

25 Q What small stores did you work for?

1 and complete testimony, Mr. Turner?

2 A Yes, sir.

3 Q Katie Temple; is that your fiance?

4 A Yes, sir.

5 Q How much did she make in 2016 judging?

6 A Unaware.

7 Q Did she judge?

8 A She did.

9 Q Where?

10 A Let's see. I believe she did -- actually, no,  
11 she didn't in 2016. She didn't judge any big  
12 tournaments. She judged a couple local things for  
13 stores. I am unaware of what compensation she received.

14 Q Which stores?

15 A She worked at a local comic bookstore called  
16 Emerald City, she did a tournament at a local store  
17 called Serenity Games. I believe that would be the  
18 extent of the stores she worked for.

19 Q Did she judge Friday Night Magic?

20 A Yes.

21 Q That's where those were?

22 A At Serenity, yes.

23 Q And she negotiated with the store owner if  
24 there was any compensation?

25 A I believe so.

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1 Q She didn't tell you what it was?

2 A No.

3 Q Do you know what her earnings from being a  
4 judge were in 2012, '13, '14, or '15?

5 A No, sir.

6 Q Any idea?

7 A No, sir.

8 Q Do you know what tournaments she worked at?

9 A The only big tournament I'm aware of that she  
10 worked at was a tournament in Japan that she came to  
11 with me, and I think it was 2015 in Sheba.

12 Q She was a judge?

13 A Yes.

14 Q What level is Katie?

15 A 1.

16 Q And when did you meet?

17 A We met in 2012.

18 Q And in any of the years you've known her, do  
19 you know what her relationship or her negotiated  
20 compensation with any of the TO's or other folks were?

21 A No.

22 Q Do you know the hours that she put into  
23 judging?

24 A No.

25 Q And she lives at your address?

1 A Yeah.

2 Q Is she part of the lawsuit?

3 A Yes.

4 Q Who talked to you about joining the lawsuit?

5 A Adam Shaw.

6 Q Anyone else?

7 A No.

8 Q When you work at the store, who tells you when  
9 the tournament -- or when you're going to start?

10 A The store owner.

11 Q And do they dictate to you what you do while  
12 you're there at the store?

13 A To a degree. Our job is to uphold the  
14 policies put forth by Wizards, so most of what we're  
15 doing is already understood before we start working at  
16 any given job site.

17 If there's specific things to that job site,  
18 sometimes the store owner will ask for additional  
19 laborers, like cleaning and things of that nature.

20 Q Okay. The Judge's Code; that wasn't written  
21 by Wizards, was it?

22 A The Code of Conduct?

23 Q Yes.

24 A I don't believe so.

25 Q Who wrote it?

1 A That would have been the Judge Conduct  
2 Committee.

3 Q JCC?

4 A Yes.

5 Q And are you on that?

6 A No.

7 Q And how are people appointed to the JCC?

8 A I believe there is an application process that  
9 the JCC maintains on a yearly basis.

10 Q And that's independent of Wizards, correct?

11 A I'm not sure that it's independent of Wizards.  
12 The person who's in charge of it is a contracted  
13 employee of Wizards or an independent contractor of  
14 Wizards. They are paid in the interface directly --

15 Q Who is that?

16 A Currently Johanna Virtanen, I think.

17 Q And it's your -- what is your understanding  
18 that she's contracted to do at the JCC?

19 A It is my understanding she's contracted by  
20 Wizards to oversee the implementation of the Conduct  
21 Code and to adjudicate any disputes or violations of  
22 said code.

23 Q What do you base that understanding on?

24 A Talking to her.

25 Q So she's told you --

1 A Yes.

2 Q -- that she has a contract with Wizards --

3 A Yes.

4 Q -- for the JCC?

5 A Yes.

6 Q Have you seen the contract?

7 A No.

8 Q When did she tell you this?

9 A When she got it.

10 Q When was that?

11 A Barcelona, so tail end of 2015.

12 Q What exactly did she tell you?

13 A That she was approached to do it by someone at  
14 Wizards -- I don't remember who -- she said approached  
15 her to do it, and they wanted her to oversee both the  
16 Player Investigation Committee and the Judge Conduct  
17 Committee, and were going to give her a contract to do  
18 both, and she was wrestling with whether she was going  
19 to do it or not, if she had the time.

20 Q Was anyone else there when you had the  
21 conversation with her?

22 A No.

23 Q And this was at Barcelona?

24 A Yes. It was at the Regional Coordinator  
25 Conference.

1 Q Have you seen this contract?

2 A No.

3 Q And do the stores give you food?

4 A Sometimes.

5 Q And you're free to negotiate whatever you want  
6 with the store, right?

7 A Yeah.

8 MR. LINDEGREN: David; housekeeping. I don't  
9 know that we have a protective order in place, but  
10 we're going to need to get one, and if you can  
11 agree with me, it would help us not have to argue  
12 about coming back and stuff.

13 With respect to the Faturechi things that are  
14 confidential, I would like them to be held  
15 confidentially while we work it out; in other  
16 words, with respect to a protective order.

17 There's a few other things that we may want to  
18 do that on, such as your client's 10-99's and  
19 things like that; at least give some protection so  
20 they're not in the public domain completely, but if  
21 we can agree that we will work on a good faith  
22 basis to have some kind of a protective order for  
23 those items, then we can hopefully do it that way,  
24 since I don't think we have one in place, because  
25 we haven't gotten any discovery requests from you

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1 the regional coordinator list, and if they don't really  
2 have something to do with judging per se, I don't really  
3 read it.

4 They apparently had sent a copy of the  
5 agreement for the regional pro tour qualifiers to the  
6 regional coordinator list on April 22nd.

7 Q So you have a copy of the TO's contract from  
8 this event?

9 A I would have a copy of what they sent out to  
10 the stores, yes.

11 Q Where is it?

12 A It would be in my e-mail from April 22nd. I  
13 would have produced it because it would have come from  
14 Wizards.

15 Q I don't have it.

16 A Okay. But it's also a Wizards-generated  
17 document. Wizards would have it as well.

18 Q Funny thing, it's always the case, but that's  
19 not how discovery works.

20 A Okay.

21 Q It's okay. Don't worry. We'll figure it out.

22 I didn't read the TO's contract to see if  
23 there was a rule about it.

24 Was there a rule about promotional cards?

25 A Apparently, there was; that they were not able

1 to be given out to anybody other than players.

2 Q Okay. But the TO, I guess, violated that  
3 rule?

4 A Yes.

5 Q And then you sent the card back?

6 A I did.

7 Q In the one above from you, again, to Laura and  
8 Andy, you are trying to clarify -- in the middle you  
9 say:

10 I realize my initial communication makes it  
11 seem like it was part of my negotiated compensation for  
12 the event.

13 Well, that's true, right?

14 A Well, I wanted it to be, but then we came up  
15 with the idea that, no, it could not be.

16 Q After you got the card?

17 A No. The TO said it wasn't going to be part of  
18 it, and he had put it in there, I guess, at the time,  
19 and then forgot about it. It was physically in my  
20 compensation, but it wasn't supposed to be.

21 As soon as Wizards contacted me to send the  
22 card back, I was like, no problem; I took it out when I  
23 realized it was in there, and I can send it back to you  
24 guys.

25 Q How did Wizards find out that you had the

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1 Q You don't know how many there were?

2 A No. Pro tours, average staff, about 25.

3 Q But you don't know?

4 A No.

5 Q And, again, your contact was Eric Sorenson?

6 A Yes; for the contract. Eric wasn't at the pro  
7 tour.

8 Q Okay.

9 A In person, at the event, my contact would be  
10 Scott Larabee.

11 MR. LINDEGREN: Okay.

12 Let's mark as Exhibit 11 a four-page document.

13 This, again, is a Judge's Service Agreement,  
14 appears to be signed by you, sir. This one is for  
15 the Pro Tour M15, August 1 through 3, 2014.

16 (Defendant's Exhibit 11 marked for  
17 identification.)

18 BY MR. LINDEGREN:

19 Q My first question is, is your signature on  
20 page three?

21 A Yes.

22 Q And do you know what Exhibit 11 is?

23 A Yes. It's a contract to work with Pro Tour  
24 M15.

25 Q And this is the agreement you entered with

1 Wizards to provide services at that event?

2 A Yes.

3 Q And same question; do you have any records  
4 with respect to the services you provided and the time  
5 periods in which you provided them?

6 A No.

7 Q Did you eat your lunches?

8 A Yes.

9 Q Did anyone tell you you couldn't take lunch or  
10 a meal?

11 A No.

12 Q If you worked past eight hours did you get  
13 another meal?

14 A No.

15 Q No? Was that by choice?

16 A There was nothing in the schedule for us to  
17 take a second break.

18 Q Okay. Were you allowed to if you wanted to?

19 A I don't know.

20 Q Did you ever ask?

21 A No.

22 Q What's the longest you worked at this event?

23 A Ever?

24 Q At this event.

25 A I don't recall specifically.

1 Q And you were paid \$1,000?

2 A Yes.

3 Q Did you work all four days?

4 A No. Three.

5 Q And you believe that would be reflected in the  
6 records?

7 A Yes.

8 Q Which records would show you only worked three  
9 of the days?

10 A There's only three days of a pro tour.

11 Q Oh, then I'm counting wrong. I guess it's  
12 three. Okay. Outsmarted myself.

13 But you worked all three?

14 A This one I'm not sure I worked all three,  
15 because the amount of the contract had to do with how  
16 many days you got selected, so the amounts of the  
17 contracts before that were a 1,550 figure; those ones  
18 were for three days. Since this one is only 1,000, I  
19 believe it was only for the first two days.

20 Q Your recollection was how much was it per day?

21 A \$500 per day.

22 Q Is that what it still is?

23 A Yeah, I understand so.

24 Q And what is your understanding based on?

25 A The fee hasn't really changed in five years.

1           Q       Okay. So 500 a day. So if we do the math  
2 then, roughly, that would tell us how many days at each  
3 of those you worked?

4                   A                   Yes.

5 MR. LINDEGREN: Let's mark as Exhibit 12 a  
6 five-page document called Judge's Services  
7 Agreement, effective October 1, 2015.

(Defendant's Exhibit 12 marked for identification.)

BY MR. LINDEGREN:

Q The first question for you, sir, is do you  
know what this is.

13 A Yes.

14 Q What is Exhibit 12?

15 A This would be my contract to work the World  
16 Magic Cup that year.

17 Q Which year?

18 A 2015. And to attend the Regional Coordinator  
19 Conference.

20 Q Okay. So you had an agreement to do both?

21                   A           Yes.

Q As an independent contractor, right?

23 A Yes.

24 Q And then did you seek counsel on this  
25 agreement?

1 Q I'm sorry. I thought you said you were the  
2 head judge.

3 A I was.

4 Q Were there any other judges?

5 A Oh, yes. There was one; a local judge.

6 Q And who picked the judge?

7 A The store. He was a store employee.

8 Q Who picked you?

9 A The store.

10 Q Then on the most recent exhibit, Exhibit 12,  
11 you were paid 3,450?

12 A Yes.

13 Q And can you break that down into what days you  
14 worked?

15 A Worked all three of the days at the event;  
16 that would have been about 1,500 of it, then the other  
17 2,000 would have been my travel and hotel for the  
18 Regional Coordinator Conference that took place  
19 immediately afterwards.

20 Q So you were paid for travel and hotel?

21 A In this case, yes, because there was a  
22 conference.

23 Q Do you have any records of when you were and  
24 weren't paid for travel?

25 A I -- well, all of these contracted agreements

1 with Wizards were supposed to be inclusive of that.  
2 There was no reimbursement for any other expenses other  
3 than this, so I count that as being paid for travel,  
4 because it was the only pay I received, and I had to pay  
5 for travel.

6 Q No; my question was a little different.

7 Do you have a record of events where you  
8 received travel from somebody and where you didn't?

9 A There were none. I was never paid for travel.

10 Q Other than as part of the independent  
11 contractor amount?

12 A Right.

13 Q And you presumed that it included the  
14 travel --

15 A Yes.

16 Q -- because it was all inclusive?

17 A Correct.

18 Q And how did you -- were you required to take  
19 this assignment?

20 A No.

21 Q So it was just voluntary?

22 A Yes.

23 Q You were able to turn it down if you didn't  
24 want to go?

25 A Of course.

1 A Talking to Level 4's.

2 Q Who?

3 A Most of them. Jared Sylva, Kim Warren,  
4 Sean Catanese, Toby Elliott, Sheldon Menery, Jason  
5 Lemahieu, Chris Richter, Jeff Morrow, Kevin Dezprez,  
6 Ricardo Tessitori, Cristiana Dionisio.

7 Q So all of them told you face-to-face that they  
8 were handpicked and just asked to be an L-4?

9 A They were asked to be part of it, yeah. I was  
10 very interested in becoming Level 4; that's why I talked  
11 to so many of them.

12 None of them could give me a concrete answer  
13 on how you became one. They were sometimes just as  
14 confused as the people who weren't L-4, and they were  
15 asked by Wizards, and a lot of times given NDA's and  
16 things of that nature, so it seemed like it had to do  
17 with you being a better fit for their, you know,  
18 Organized Play program.

19 Q Other than what you heard from L-4's, you  
20 don't personally know how anyone becomes an L-4, right?

21 A Correct.

22 Q And are L-4's compensated?

23 A I have no idea.

24 Q Do they have different duties?

25 A I know the L-4's were compensated for head

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1 judging the events. They were not compensated for the  
2 duties that happened outside of events.

3 It was a source of great tension between the  
4 regional coordinators and the Level 4's, was that we got  
5 contracts as regional coordinators starting in 2014 or  
6 maybe 2015, and the Level 4's didn't, so they were being  
7 asked to do these outside of event activities to get the  
8 opportunities to judge the big events, to head judge  
9 them, which they got paid to do, and we were not; we  
10 weren't getting paid for outside event work, so there  
11 was a big rift.

12 Q Who asked an L-4 to do work outside of an  
13 event?

14 A Andy.

15 Q Andy Heckt?

16 A Yes.

17 Q How do you know that?

18 A That's what the Level 4's would tell me.

19 Q Beyond that, were you part of a conversation  
20 where Andy asked someone to work or they didn't?

21 A I was part of a conversation between Laura  
22 Kilgore, Andy, and Adam Shaw towards the end of his  
23 tenure as a Level 4, and he was -- they were basically  
24 telling him that he needed to do these things for this  
25 DCI Family website, which he was saying he didn't have

1 and asked for assistance in locating a judge.

2 Q Where does an RC have input?

3 A Wherever they are requested to have input.

4 Q You are not normally part of the process then?

5 A No.

6 Q I thought you told me earlier that you were?

7 A For Grand Prixes, yes.

8 Q So Grand Prix is different?

9 A Yes. That has a public staff document, the  
10 public application process.

11 Q Well, some of the other ones have an  
12 application process too?

13 A Some of the other ones will use Judge Apps to  
14 be the application process, but RC's aren't involved in  
15 the staffing decisions at all.

16 Q Tournament organizer would post that they need  
17 judges on Judge Apps, right?

18 A They can. They often don't, but they can.

19 Q How do you know how often they do it?

20 A Because I see the events that are posted on  
21 Judge Apps. I know how many events are run.

22 Q If they don't post on Judge Apps, where do  
23 they get the judges?

24 A Usually ones they know personally who have  
25 worked for them before, or they contact the regional

1 Florida judges and I had some tournament reports on  
2 there.

3 Q So you listed that as something that a head  
4 judge would do, but you haven't done it since 2011?

5 A Correct; but it's something that many head  
6 judges do. We have a whole section for Tournament  
7 Reports on the Judge Apps forums.

8 Q Do you know who does them and how often?

9 A Level 2 judges, and at least one a year,  
10 because that is the requirement to maintain the level.

11 Q I'm getting more specific. Do you know whose  
12 done what reports?

13 A Oh, no.

14 Q Do you know how much time they spend doing  
15 them?

16 A No.

17 Q Of the tournaments that you were the head  
18 judge, how many were only one judge?

19 A Probably about 8 to 10 of those 24.

20 Q Okay. And those would just be in-store play?

21 A Yeah, or regional qualifiers, but those are  
22 in-store.

23 Q And you were paid by the store for that?

24 A Yes.

25 Q And then of the remaining, what kind of a

1 tournament would that have been?

2 A That would have been original pro tour  
3 qualifiers, which were held in a venue or a large store  
4 that had multi judge staff, because there were about 200  
5 players.

6 Q What other kind, if any?

7 A Star City Open Series I head judged for three  
8 or four times. Those are large, about 4 to 500-player  
9 events that are held around the eastern side of the  
10 country.

11 Q Any others?

12 A No.

13 Q And when did you do the Star City Open Series?

14 A I couldn't give you exact dates.

15 Q You were paid, right?

16 A Yes.

17 Q And where is the documentation on the pay?

18 A I could find it. It would be in my e-mail, I  
19 guess, somewhere, or there would be a check stub that  
20 Star City would be able to provide me, or 10-99's.

21 Q Okay. Did you produce those?

22 A I'm not sure.

23 Q Did you look for them? Do you remember  
24 finding them and giving them to your lawyers?

25 A I do not. Not the 10-99's specifically, no.

1 Q Any proof that Star City paid you?

2 A No.

3 Q And then the OPTQ; who was running those?

4 A The RPTQ?

5 Q Is it RP? I thought you said original.

6 A Regional.

7 Q I have never heard of an OPTQ, but I was going  
8 with it.

9 A Regional pro tour qualifier. Those were put  
10 on by Wizards, and the locations were selected by  
11 Wizards in advance of the events.

12 Q Okay. Who at Wizards ran them?

13 A Who was in charge of RPTQ's right now?

14 Q We are talking about 2012 to 2017.

15 A After Ron Foster took over for GP's for Laura  
16 Kilgore, Laura became in charge of the RPTQ and PPTQ.

17 Q Okay. How many times were you head judge at  
18 an RPTQ?

19 A Four or five.

20 Q And were you paid?

21 A Yes.

22 Q When you were the head judge at the events  
23 with more than one judge, how did you put together the  
24 judge staff?

25 A Usually the tournament organizer would put it

1 together. They would solicit applications via Facebook  
2 or something like that, then the tournament organizer  
3 and I would go through the candidates, see who was the  
4 most qualified, and take them.

5 Q Okay. And then you were responsible for  
6 directing the services being provided by the judges?

7 A Yes.

8 Q What would you do? This is at the Star City.

9 A I would give them their instructions, have a  
10 meeting at the beginning of the day, explain what it was  
11 their team was going to be responsible for commensurate  
12 with the running of the tournament. I would give them a  
13 lot of times their break schedules or at least  
14 instructions for creating a break schedule for the  
15 lunches, and I would interface with the tournament  
16 organizer to see anything they wanted that I hadn't  
17 covered.

18 Q Okay. And then as the day went, were you  
19 responsible for managing the day-to-day,  
20 minute-by-minute work of the judges?

21 A I was responsible for making sure that the  
22 event was running on -- you know, in a reasonable  
23 fashion, I was responsible for seeing any issues and  
24 taking corrective actions, correcting judges that did  
25 things incorrectly for maintaining a communication

1 channel between the team leads of the various judge  
2 teams to see if they needed anything, but their actually  
3 what they did out on the floor, I wasn't in direct  
4 supervision, no.

5 Q And did the TO directly supervise you?

6 A Yes.

7 Q They told you what to do minute-by-minute?

8 A Not minute-by-minute, but they gave me an idea  
9 what they wanted the event to be, what my  
10 responsibilities were going to be, how their event is  
11 run, what things I need to have ready at what time.

12 Q Then they left it up to you?

13 A Yes; after that.

14 Q And then you made the schedules?

15 A No. Usually the schedules were made by the  
16 tournament organizer.

17 Q No; I meant the schedules you talked to the  
18 staff -- the judges about.

19 A Breaks. I would give them around when they  
20 could take off to go to lunch, but the schedules of when  
21 they worked and under what team they worked was done by  
22 the tournament organizer.

23 Q But you sent people to lunch?

24 A Yes.

25 Q And did you give them other breaks?

1 A If they requested them.

2 Q And so that's the same for all the Star City  
3 ones you were a head judge?

4 A Yes.

5 Q Is it the same thing for Wizards?

6 A I've never head judged for Wizards.

7 Q Oh, I thought you said you did.

8 A No. The regional pro tour qualifiers were  
9 Wizards Organized Play program that I was the head judge  
10 of at the stores, but any of those contracts that we  
11 went through before, none of those were for head judge.

12 Q So the RPT, regional pro qualifier that you  
13 were a head judge on, who were the TO's for that?

14 A We went through that before. Cool Stuff  
15 Games, Jax Card Games or Jax Games Center, Armada Games.

16 Q And did it happen the same as with Star City;  
17 in other words, your responsibility had you fulfill your  
18 services and whatnot?

19 A No. It was a little bit different, because  
20 that was a Wizards structured tournament, so I would  
21 come there as a Level 3 judge, which was required for  
22 the tournaments, then my job was to make sure the  
23 tournament was run pursuant to the Wizards rules and  
24 policies, and I didn't really have much interface with  
25 the store owner. He didn't have a lot of latitude,

1 because there were a lot of rules about the way that the  
2 regional pro tour qualifiers needed to be run, which was  
3 put out by Wizards. They put out a fact sheet and rules  
4 documents.

5 Q Any previous to those?

6 A I didn't.

7 Q Why not?

8 A I don't have the ones they sent at the store.

9 They tell them what needs to be done.

10 Q Well, do you have any?

11 A I could look.

12 Q Did you look?

13 A No. Anything I produced that came from  
14 Wizards, I mean, thousands and thousands of e-mails I  
15 gave you. If there's anything specific you're missing,  
16 please give me a list; I would be happy to provide it  
17 for you if I have it.

18 Q Were you the head judge at these RPTQ's or  
19 just a Level 3?

20 A Head judge.

21 Q You said you were there as a Level 3?

22 A Well, Level 3 was required.

23 Q The head judge is the head judge, right?

24 A Yes.

25 Q Did you have input into who the other judges

1 were going to be?

2 A There often weren't any, and no. In the  
3 events that there were other judges, they were ones  
4 retained by the store.

5 Q They didn't ask for your opinion?

6 A No.

7 Q Did you create the schedules?

8 A No; because, again, I was usually by myself.

9 The other times we had a store judge involved in the  
10 RPTQ they were a store employee, so they were given  
11 their meal breaks and things by their managers.

12 Q They were being paid as an employee of the  
13 store?

14 A Correct.

15 Q What store was that?

16 A That was the Jax Games Center.

17 Q Who is the employee that was paid?

18 A Richard Warren.

19 Q What level is he?

20 A 2.

21 Q So he was an L-2 helping you judge, and he was  
22 paid by the store?

23 A Correct.

24 Q And how was he paid by the store?

25 A I'm unaware whatever region they had. He was

1 an employee; regular employee of the store.

2 Q So the RPTQ's, did you ever act as a head  
3 judge, whether it was other judges besides you or this  
4 employee?

5 A No.

6 Q You said there's a structure for an RPTQ?

7 A Yes.

8 Q Where is that set up?

9 A They put out a fact sheet. Usually they  
10 publish it on their website in advance of the event.  
11 There is a set of criteria that are given to the  
12 tournament organizer, which I only ever received once;  
13 that one time that was referenced in the e-mail to Laura  
14 in April 2014.

15 There is a -- the magic tournament rules,  
16 which are the requirements for any sanctioned  
17 tournament, that talk about how many rounds, how long  
18 they should be, things of that nature, that we had to  
19 follow.

20 And we had specific reporting requirements for  
21 the amount of players in the event, the amount of  
22 promotional materials given out, because Wizards would  
23 account for the remainder when we sent the leftover  
24 stuff back.

25 Q So the fact sheet would set out the number of

1 of the regional blog for USA Southwest regarding  
2 PPTQ's and large events.

3 (Defendant's Exhibit 22 marked for  
4 identification.)

5 BY MR. LINDEGREN:

6 Q I will ask you first if you've seen this  
7 before.

8 A No.

9 Q Okay. PPTQ is what?

10 A Preliminary pro tour qualifier.

11 Q Who puts those on?

12 A Stores.

13 Q Stores? Okay.

14 This list says PPTQ Nashville by A1 Comics.

15 That's a TO?

16 A Yes.

17 Q And then Channel Fireball, the GP San Jose;  
18 did you attend either of those events?

19 A No.

20 Q Under that, it says:

21 Staffing and compensation guidelines. The  
22 following guidelines were developed in order to set  
23 expectations to help standardize staffing and  
24 compensation for preliminary pro tour qualifier events.

25 The goal of standardizing these practices is to help the

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1 tournament organizers, TO's, and judges more officially  
2 organize their PPTQ events. These guidelines were  
3 developed as part of a collaborative effort between the  
4 judges of the Southwest region and regional store  
5 owners.

6 Have you worked with store owners in the  
7 Southeast region to come up with guidelines?

8 A No.

9 Q Why not?

10 A I don't believe that among independent  
11 contractors you are allowed to do that.

12 Q What do you mean?

13 A You are not allowed to collaborate with other  
14 independent contractors to set prices.

15 Q So you think the southwest -- your buddies in  
16 the southwest are violating antitrust laws?

17 A Maybe, or close to it. I didn't want to touch  
18 it with a 10-foot pole, to be honest with you.

19 Q Do you have any reason to -- well, do you know  
20 who set this up?

21 A No.

22 Q It says an effort between the judges and the  
23 stores, right?

24 A It does.

25 Q Did you have any other involvement in this?

1 A No. This is the southwest.

2 Q I understand; but you have friends in the  
3 southwest, don't you?

4 A I do.

5 Q Who is the RC for the southwest?

6 A David Zimet.

7 Q He is a good friend of yours, isn't he?

8 A He is.

9 Q You said he's in California now?

10 A He is in California.

11 Q Did you tell Zimet, I think you're violating  
12 the antitrust laws?

13 A No, because I haven't seen this until you put  
14 it in front of me.

15 Q Nowhere on here does it say Wizards had  
16 anything to do with this, right?

17 A I'm not aware that it does. Again, I'm just  
18 seeing it now for the first time.

19 Q Do you have any guidelines at all for  
20 tournament organizers in the Southeast region?

21 A No.

22 Q What about the other regions besides the  
23 southwest; do they have guidelines?

24 A Unaware.

25 Q Don't know one way or the other?

1 A No.

2 Q How many regions are there?

3 A 25.

4 Q More like 8?

5 Q How many RC's are there?

6 A 25.

7 Q Currently?

8 A Yes.

9 Q In the United States?

10 A Oh, no. You didn't say United States.

11 Q Let's back up and get on the same page.

12 A Okay.

13 Q My mind is in the United States, not

14 Rotterdam.

15 A Okay.

16 Q In the United States, how many RC's are there?

17 A 8.

18 Q How many regions?

19 A 8.

20 Q Thank you for the clarification.

21 A No problem.

22 Q So at least for PPTQ's, who sets the

23 compensation?

24 A Looks like it's negotiated between the judge

25 and the store.

1 Q How about in your region?  
2 A That way the judge and the store work it out.  
3 Q Okay. What about other events?  
4 A That way; basically between the judge and the  
5 tournament organizer.

6 Q Okay. And you've never seen Exhibit 22  
7 before?

8 A No.

9 MR. LINDEGREN: Let's mark as Exhibit 23 a  
10 four-page document entitled Welcome to the  
11 Southeast Region of the Judge Program.

12 (Defendant's Exhibit 23 marked for  
13 identification.)

14 BY MR. LINDEGREN:

15 Q The question will be, have you seen this  
16 before?

17 A I believe I read this before, yeah. I think  
18 this is one of the posts that Matt Nunam put on when he  
19 created this blog.

20 Q So this is from the Southeast blog?

21 A Yeah.

22 Q And the gentleman you said who created it, his  
23 name is at the last page; Your friendly neighbor and  
24 Judge, Matt Nunam?

25 A Yes.

1 A Yes.

2 Q So each state has a Facebook group?

3 A Most of them do.

4 Q So a TO or a store can go on there and post --

5 A Yes.

6 Q -- say we are having an event at Karl's Card  
7 Shop, I'm looking for judges?

8 A Yes.

9 Q Don't go to David's Card Shop.

10 A Pretty much it does get that dramatic  
11 sometimes.

12 Q Larger events are posted at  
13 apps.magicjudges.org, right?

14 A Yes.

15 Q That is not a Wizards website, is it?

16 A It is not.

17 Q First you will need to apply for the events  
18 that you want to get on staff for; right?

19 A Yes.

20 Q So no one tells a judge they have to go  
21 somewhere?

22 A No; not to a specific place, but again, there  
23 is the requirements of you maintaining your  
24 certification and advancing your certificates that  
25 requires you to work these events.

1 Q And did your documents you collected include  
2 any communications between you and Mr. Shaw?

3 A No.

4 Q Why not?

5 A Because they were done in the presence of  
6 counsel.

7 Q Okay. Were there any written communications  
8 with Mr. Shaw that didn't have counsel?

9 A No.

10 MR. LINDEGREN: One thing, David; we need to  
11 get a privilege log.

12 BY MR. LINDEGREN:

13 Q Do you have any other agreements other than  
14 the one produced with Star City?

15 A No.

16 Q And did you have any agreements with any of  
17 the other TO's?

18 A No.

19 Q So you only ever had one written contract or  
20 agreement with one TO?

21 A Yes.

22 Q And all the others just paid you cash?

23 A Boxes of product usually or cash.

24 Q And what records do you have of that?

25 A I don't. I would have the records of maybe

1 CERTIFICATE OF OATH OF WITNESS  
2

3 STATE OF FLORIDA )  
4 ) SS:  
5 COUNTY OF HILLSBOROUGH)

6 I, KIM AUSLANDER, Registered Professional  
7 Reporter, Notary Public in and for the State of Florida  
8 at Large, certify that the witness, JUSTIN TURNER,  
9 personally appeared before me on April 25, 2017 and was  
10 duly sworn by me.

11 WITNESS my hand and official seal this 5th day  
12 of May, 2017.

13  
14  
15  
16  
17  
18  
19 *Kim Auslander*  
20

21 KIM AUSLANDER, RPR  
22 Notary Public, State of Florida  
23 at Large

24  
25 Notary #FF184913

My commission expires: 1/10/2019